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PETITION OF

MICHAEL H. DITTON

CASE NO. PUC990176

To investigate Bell Atlantic – Virginia, Inc.

HEARING EXAMINER'S RULING

May 31, 2000

On October 7, 1999, Michael H. Ditton ("Petitioner") filed a Verified Petition for Redress and Relief ("Petition") with the State Corporation Commission ("Commission") requesting that the Commission investigate Bell Atlantic-Virginia, Inc. ("Bell Atlantic"), and order Bell Atlantic to provide the Petitioner with adequate and reliable telephone service.

On December 1, 1999, Bell Atlantic submitted its Answer to Mr. Ditton's Petition in which it denied all material allegations contained therein. Mr. Ditton submitted a Reply to Bell Atlantic's Answer on December 21, 1999, in which Petitioner restated allegations contained in his Petition and requested that the Commission docket the matter as a formal action.

On March 10, 2000, the Staff completed a written report on Petitioner's allegations and its testing of Petitioner's telephone circuit, wherein it concluded that Mr. Ditton had not experienced any problems with his fax, computer, telephone, and internet equipment working on a single telephone line that most users under similar circumstances have not also experienced on a routine basis.

On March 27, 2000, Petitioner submitted a Reply to the Staff's report. The Petitioner renewed his request that the Commission initiate a formal proceeding on this matter.

By Procedural Order issued on May 2, 2000, the Commission docketed the proceeding and assigned the matter to a Hearing Examiner.

Upon consideration of the Petition and the pleadings filed herein, I am of the opinion, and find, that a hearing should be scheduled to receive evidence on the Petition. I further find that, in consideration of the Petitioner's distance from Virginia, the Petitioner may participate in the hearing by telephone. All testimony and exhibits to be presented in this case should be prefiled with the Commission and later sponsored and subject to cross-examination by telephone on the hearing date. Accordingly,

IT IS DIRECTED:

(1) That a telephonic hearing before a Hearing Examiner is scheduled for July 26, 2000, at 11:00 a.m. Eastern Daylight Saving Time for the purpose of receiving evidence on the Petition. If the Petitioner is located outside the Eastern Time Zone, he must adjust his time accordingly to participate in the hearing;

(2) That, on or before July 17, 2000, the Petitioner shall file the telephone number from which he will participate in the hearing with the Commission. The Petitioner must also provide the telephone numbers of any witnesses he intends to present during the hearing, if the witnesses will not be present at the Petitioner's telephone number to withstand cross-examination. All written communications and filings with the Commission should be addressed to Joel H. Peck, Clerk, Virginia State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23218 and refer to Case No. PUC990176. IF THE EXAMINER IS UNABLE TO REACH THE PETITIONER AT THE TIME DESIGNATED FOR THE HEARING, THE PETITIONER MAY LOSE THE OPPORTUNITY TO PARTICIPATE IN THE HEARING;

(3) That, on or before June 16, 2000, Mr. Ditton shall file with the Clerk of the Commission an original and ten (10) copies of any prefiled direct testimony and exhibits he intends to offer at the hearing. The prefiled direct testimony should be in the form of questions and answers which clearly state the nature of the claim, the specific relief sought, and the legal and factual reasons supporting the claim. Mr. Ditton shall also serve a copy of his prefiled direct testimony and exhibits on David W. Ogburn, Esquire, Bell Atlantic-Virginia, Inc., 600 East Main Street, 11th Floor, Richmond, Virginia 23219;

(4) That, on or before June 30, 2000, the Commission's Staff shall file with the Clerk of the Commission an original and ten (10) copies of any additional testimony and exhibits Staff intends to present at the hearing, and shall simultaneously serve a copy on the Petitioner and Bell Atlantic;

(5) That, on or before June 30, 2000, Bell Atlantic shall file with the Clerk of the Commission an original and ten (10) copies of any testimony and exhibits Bell Atlantic intends to present at the hearing, and shall simultaneously serve a copy thereof on Michael H. Ditton, P.O. Box 1293, Bozeman, Montana 59771; and

(6) That, on or before July 17, 2000, Mr. Ditton shall file an original and ten (10) copies of any testimony and exhibits he expects to introduce in rebuttal to all of the direct prefiled testimony and exhibits of Bell Atlantic, and simultaneously send a copy thereof to David W. Ogburn, Esquire, Bell Atlantic-Virginia, Inc., 600 East Main Street, 11th Floor, Richmond, Virginia 23219.

Alexander F. Skirpan, Jr.
Hearing Examiner